

# **CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT**

**Project #:** 1009399  
**Property Description/Address:** 1206 Coal Ave SE, Lot D of Replat of Lots 4, 5, & 6,  
Block 33, Terrace Addition  
**Date Submitted:** 9/6/12  
**Submitted By:** Diane Grover  
**Meeting Date/Time:** September 4, 2012  
**Meeting Location:** Central United Methodist Church, 201 University NE  
**Facilitator:** Diane Grover  
**Co-facilitator:** David Gold

## **Parties:**

Paul D. Santillanes, Applicant and property owner  
Phillip Panuzzo, Contractor/agent  
Silver Hill N.A. ("SHL")  
Sycamore N.A. ("SYM")

Invited but not in attendance:  
Spruce Park N.A. Inc. ("SPK")  
University Heights N.A. ("UHT")  
Victory Hills N.A. ("VHL")

Note: Individual names can be found at the end of this report.

## **Background/Meeting Summary:**

Paul D. Santillanes of Alcon Inc., as contractor and agent on behalf of applicant Phillip Panuzzo requests a special exception to Page 74 and 75 of the University Neighborhoods Sector Development Plan and 14-16-2-9(E)(1): a variance of 15' to the 15' front yard setback area for a proposed single family dwelling for Lot D of Replat of Lots 4,5, & 6, Block 33 Terrace Addition zoned SU-2 MD-2 and located at 12-6 Coal Ave SE.

The biggest concern with regards to this project, which is shared by neighbors and applicant, is the fact that there is no clear cut front to this property. Applicant states that the City named the lot, assigned the address on Coal, and allowed it to be transferred. The lot is landlocked and believed to be exceptional, which is part of the basis for the request. While applicant is requesting a variance of 15' to the 15' front yard setback area, the true front of the property is yet to be determined. The address of the property is 1206 Coal, but it doesn't necessarily front Coal. Applicant was hoping to have the alley at the end of the property opposite to Coal named as a street, and to make that the front of the property, prior to the ZHE hearing. In order to accomplish this, he would need to get a petition signed by all neighbors along that alley requesting that it be so named. At this time some neighbors are hesitant, since they are not sure

of the ramifications of the alley becoming a street. Some unsettled issues would be postal service, solid waste pickup, emergency services as well as curbs and sidewalks, and who would be responsible for any fees attached. There was also a question of whether this change would prompt an increase in taxes. The other problem with property owner support is that some of the properties are rental units and it is difficult to locate owners to discuss this with them. Without a clear cut front of the property, neighbors and applicant realize that the ZHE request to be heard on September 18, 2012 could be premature.

While there can be no official position taken by the neighborhood associations until they have reported back to their groups and discussed this matter, representatives at the meeting, speaking solely for themselves, felt that the real support needed to come from the affected neighbors living along the alley. If there was support from these neighbors, the representatives could bring that petition back to their groups to discuss.

The applicant's goal is to develop the property while causing no harm to neighbors. They plan to stay in touch with Peter Schillke (SYM) as they work through these issues.

**Outcome:**

**Areas of Agreement:**

- All agree that the need to determine the front of the property prior to the hearing is imperative
- All agree that support of neighbors along the alley is also imperative

**Unresolved Issues, Interests and Concerns:**

- Determination of the front of the property
- Whether support of all neighbors along the alley is possible
- Whether contact with all neighbors along the alley is possible
- Potential cost to neighbors for any tasks associated with making the alley a street
- Potential for additional tax assessments
- Mail delivery, solid waste services, emergency services, utilities, curbs and sidewalks connected to making the alley a street.
- Concern of adjacent neighbor regarding proposed structure impeding backyard privacy and view preservation

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**Meeting Specifics:**

- 1) Applicant Presentation
  - a) Went to the City for zoning requirements and discovered property didn't fit into their categories
    - i) No front yard is determined
    - ii) Doesn't front Coal but has a Coal address
    - iii) Need to determine where the front is to determine setbacks and other rules
    - iv) If the alley becomes the front, it needs to be named

- v) Because of shape of the property and the fact that it is landlocked, they would need a zero lot line
- b) Determining front yard
  - i) Need to determine where the front is before the hearing
  - ii) Surveyor indicates that alley could be named as a street in short time period once affected neighbors agree and sign a petition
    - (1) Shouldn't take more than 1 or 2 weeks
  - iii) Applicant was hoping to accomplish this before the hearing
  - iv) Applicant hoped for some insights from NAs at this meeting
    - (1) NA representatives think this should be up to the neighbors whose properties would be impacted
- 2) Neighbors' questions and concerns
  - a) How far has applicant taken this with the City?
    - i) Applicant submitted a zoning and variance request
    - ii) City hasn't declared the alley a street at this point
    - iii) If they do curbs and gutters will need to be determined
    - iv) Have only spoken with the city surveyor
    - v) Neighbors requested the name of the surveyor – Paul will get that to facilitator to relay in the email sent for the report distribution
  - b) Description and measurements of proposed structure
    - i) 2-story residence
    - ii) 30' x 20' footprint
    - iii) 600 sq. ft. each floor; 1200 sq. ft. total
    - iv) Garage on bottom, home above
    - v) Will occupy ¼ of the lot
  - c) Can garage be built?
    - i) Contractor says accessory can only be built if there is already a primary structure
    - ii) Can't build the primary structure until you have a front yard designation
  - d) What part does DOT play in creating a street from the alley
    - i) Contractor says the short answer from the City was none
  - e) Making alley a street
    - i) Need approval from neighbors on the alley
      - (1) Some are leery of making the alley a street and unsure of consequences
      - (2) Some are renters and there's been difficulty locating the owners
        - (a) Neighbor suggested utilizing property UPC codes
    - ii) City Surveyor told contractor first they assign the name
      - (1) Indicated this could be done in a week or two
    - iii) Since it is already paved, no expense to City or neighbors for paving
    - iv) Didn't talk about sidewalks with the City
    - v) Additional Issues
      - (1) Utilities
      - (2) Emergency services
      - (3) Garbage/solid waste pickup
      - (4) Mail delivery
      - (5) Effect on property taxes
    - vi) Neighbor asked if streets need minimal width and sidewalks

- (1) Once declared a street applicant can get a variance
- (2) One option is to make it a one-way street which would have plenty of room
- (3) Tightest point is 18' by a pole
- (4) Neighbor stated that it is really boxed in on the East end with no room for eminent domain.
- vii) Applicant stated alley could be a continuation of Iron
  - (1) Neighbors states was never a part of Iron using 1910 map, and does not see it as extension
- viii) Applicant sees potential benefit to neighbors if alley is street
  - (1) Now it is an unimproved alley with an unimproved lot on it
  - (2) Lights on alley/street would be an improvement
  - (3) Could help with undesirable foot traffic
- f) Utility Easement along the west side of property – neighbor thought it likely
  - i) Contractor states not shown on plots
  - ii) Neighbor suggested he follow up on this
  - iii) Another neighbor stated there is one for electric and communications starting at the NE corner of Marlon's property going to the telephone pole at the alley
  - iv) In the alley a section of the wall is lower which may have been a requirement for waiving overhead power
- g) Map of property
  - i) Neighbors concerned that applicant's map is not accurate – site plan lacks dimensions
  - ii) Peter submitted a map he drew – applicant and neighbors were impressed with accuracy
  - iii) 1910 map had only 3 lots
  - iv) Last survey was done in 1989
- h) Suggestion from neighbors
  - i) Applicant could research other alleys that have been converted to streets and find out about some of the unknowns
- i) 2-story home proposed
  - i) Near neighbor, Marlon, has concerns
    - (1) Would look down into his back yard and interfere with privacy
    - (2) Would interfere with sight line
    - (3) Cannot support project at this time
  - ii) Contractor worked at 301 Coal to achieve no sight lines
    - (1) Worked closely with neighbor to assure privacy of neighbor's property
  - iii) Marlon would prefer no blockage to view of the trees in Roosevelt park
    - (1) Contractor indicated this would be difficult
  - iv) Marlon would prefer to see plans and 3D files with different points of perspective
  - v) Contractor indicated there might be a way to address Marlon's concerns by positioning residence in the back corner of the lot

### **Action Plan:**

None stated

**Action Items:**

- Paul will get contact information for surveyor to facilitator
- Facilitator will report to all in the body of the email distributing the report

**ZHE Application Hearing Details:**

- 1) Hearing Scheduled for Tuesday, September 18, 2012
- 2) Hearing Details:
  - a) The Office of the Zoning Hearing Examiner conducts monthly quasi-judicial PUBLIC HEARINGS regarding Special Exceptions to the Zoning Code (Please refer to Section 14.16.4.2 of the Comprehensive City Zoning Code)
  - b) There are certain criteria that applicants must meet in order to obtain an approval of decision for their special exception request.
- 3) Hearing Process:
  - a) Comments from facilitated meetings will go into a report which goes to the Hearing Examiner
  - b) All interested parties may appear at the hearing and voice their opinions or submit written comments prior to the day of public hearing.
  - c) The Zoning Hearing Examiner will render a determination of approval, approval with conditions or denial within 15 days after the close of the public hearing
  - d) The determination can be appealed to the Board of Appeals

Any further questions or comments can be referred to:

Vanessa King  
768-4503  
vking@cabq.gov

**Comments:****Names & Addresses of Attendees:**

Gordon Rieselt	SHL
Shannon Beaucaire	City of Albuquerque
Mardon Gardella	SYM
Peter Schillke	SYM
Marlon Clark	Neighbor
Paul Santillanes	Applicant and Property Owner
Philip Panuzzo	Contractor and Agent